

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-356-E - ORDER NO. 2009-11  
JANUARY 15, 2009

IN RE: Vanda Lawanda Johnson,	)	ORDER GRANTING
Complainant/Petitioner	)	SUMMARY JUDGMENT
	)	
vs.	)	
	)	
Progress Energy Carolinas, Inc.	)	
Defendant/Respondent	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the motion of Progress Energy Carolinas, Inc. (“PEC”) to dismiss the Complaint filed against PEC by Vanda Lawanda Johnson.

Ms. Vanda Lawanda Johnson commenced this docket by filing a complaint letter on or about September 15, 2008. On or about October 20, 2008, PEC filed its Answer and moved to dismiss the complaint. PEC alleged that Ms. Johnson’s account was delinquent, and that the delinquency satisfied the regulatory criteria for disconnection of service. However, the Company did not submit any affidavit or sworn verification supporting its filing.

We issued a Directive on November 12, 2008, instructing PEC to provide a sworn verification of all information it wishes to be considered in support of its motion to dismiss. Commission Regulation 103-822 provides, in part: “A verification under oath shall be required if facts are alleged to be true within the knowledge of the person filing the pleading.”

In response to our Directive, PEC filed an appropriate affidavit verifying its submissions with regard to Ms. Johnson's account on November 14, 2008, and renewed its request for dismissal or for summary judgment. Subsequently, on or about November 19, 2008, Ms. Johnson filed a response to PEC's filing.

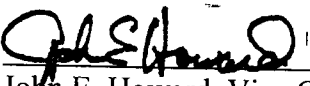
Ms. Johnson's November 19th filing appears to allege that PEC attempted to collect "hidden" charges, that her account had not been properly credited for payments made to a collection agency. She also invokes several inapplicable statutes and regulations, including, but not limited to the federal Truth in Lending Act and the Securities Exchange Act of 1934. Even when construing all of the filings of the parties in favor of Ms. Johnson, we find that PEC is entitled to summary judgment. We find that the Commission has no authority over third-party collection agencies, that the Basic Facilities Charge complained of by Ms. Johnson as a "hidden" charge is a tariffed fee, and that the verified information submitted by PEC shows that the Company was entitled by statute and regulation to discontinue service.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)